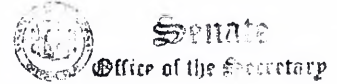


NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



'22 JUL 25 P2:18

SENATE
S. No. 870

RECEIVED BY

Introduced by Senator Grace Poe

**AN ACT
PROTECTING THE RIGHTS OF INTERNALLY DISPLACED PERSONS,
APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES**

EXPLANATORY NOTE

Internally displaced persons (IDPs) are *"persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border."*¹

Internal displacement is a perennial problem in our country but there is currently no law responsive to the needs and concerns of IDPs. The most proximate government response on the issue of internal displacement is the passage of the Philippine Disaster Risk Reduction and Management Act of 2010 (PDRRMA). However, the Commission on Human Rights noted the limitations of the law. While it provides the framework for displacement due to natural disasters, it focuses more on the responsibility of state actors rather than the rights of displaced people². This observation is supported by reports submitted to the United Nation Economic and Social Council (ECOSOC) on this topic which state that *"while existing law covers many aspects of particular relevance to internally displaced persons, there remain areas in which the law fails to provide sufficient protection for them."*³

As a remedy, the Guiding Principles on Internal Displacement were submitted to the ECOSOC. The Guiding Principles state that *"(n)ational authorities have the primary duty and responsibility to provide protection and humanitarian assistance to internally displaced persons within their jurisdiction."*⁴ An increasing number of States, United Nations agencies and regional and non-governmental organizations are applying them as a standard.

¹ <https://www.ohchr.org/en/special-procedures/sr-internally-displaced-persons/about-internally-displaced-persons#:~:text=According%20to%20the%20Guiding%20Principles,avoid%20the%20effects%20of%20armed>

² <https://www.rappler.com/nation/elections/samira-gutoc-push-for-law-protect-internally-displaced-persons/>

³ <https://www.unhcr.org/47949b212.pdf>

⁴ Ibid.

This proposed measure seeks to provide a legal framework for the promotion and protection of IDPs in accordance with the abovementioned international standards. Furthermore, this bill seeks to ensure that IDPs in the Philippines are accorded the human dignity which the Constitution guarantees them and which they fully deserve. It should be remembered that human rights under the Constitution are guarantees of social justice and human dignity to all Filipinos. This is manifested most notably in Article XIII, which is entitled "Social Justice and Human Rights", the first section of which declares: *"The Congress shall give highest priority to the enactment of measures that protect and enhance the right of all the people to human dignity."* This bill embodies the previous discussions and consultations until the 16th Congress. It has also addressed the perceived legal and policy infirmities which caused a prior version of this bill to be vetoed.

Immediate approval of this bill is eagerly sought.



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AN ACT
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APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

1 Section 1. *Short Title.* – This Act shall be known as the "Rights of Internally
2 Displaced Persons Act" or RIDPA.

3 Sec. 2. *Declaration of Principles and State Policies.* – Consistent with the
4 principles of the Constitution, international human rights and humanitarian standards
5 including the United Nations' Guiding Principles on Internal Displacement (UNGPID),
6 international treaties adhered to by the Philippines, and existing Philippine laws such
7 as Republic Act No. 9851, otherwise known as the Philippine Act on Crimes Against
8 International Humanitarian Law, Genocide, and other Crimes against Humanity, it is
9 hereby declared a State policy to adopt a rights-based approach for the promotion
10 and protection of the rights of internally displaced persons in situations of armed
11 conflict; generalized and/or organized violence; clan wars; violations of human
12 rights; implementation of development projects; or natural or human-made hazards
13 or disasters.

14 The rights and obligations herein shall not be interpreted as restricting,
15 modifying, or impairing the provisions of any international human rights or
16 international humanitarian law treaties or declarations, or rights granted to persons
17 under domestic law.

1 The State shall harmonize all legal measures pertinent to "Internally Displaced
2 Persons or group of persons" (IDPs), and ensure that such are consistent with this
3 Act.

4 *Sec. 3. Definition of Terms.* – As used in this Act:

- 5 a) Armed Conflict- refers to any use of force or armed violence between States
6 or protracted armed violence between governmental authorities and
7 organized armed groups or between such groups within a State; Provided,
8 That such force or armed violence gives rise, or may give rise, to a situation
9 to which the Geneva Conventions of 12 August 1949, including their common
10 Article 3, apply. Armed conflict may be international, that is, between two (2)
11 or more States, including belligerent occupation; or non-international, that is,
12 between governmental authorities and organized armed groups or between
13 such groups within a State. It does not cover internal disturbances or tensions
14 such as riots, isolated and sporadic acts of violence, or other acts of a similar
15 nature.
- 16 b) Clan War - refers to any conflict that may arise between members of different
17 indigenous groups, indigenous cultural communities or clans, or between and
18 among members of the same indigenous group, cultural community, or clan.
- 19 c) Collective Punishment - refers to a situation in which a group of people is
20 punished due to acts or omissions, whether real or perceived, of one or
21 several members of the group.
- 22 d) Generalized and/or organized violence - refers to the purposeful and
23 systematic use of terror and brutality to control individuals, groups and
24 communities, through the use of overwhelming force, and characterized by
25 widespread, massive or sufficient intensity.
- 26 e) Implementation of development projects - refers to the carrying out of any
27 undertaking or activity aimed at economic or political growth, advancement,
28 and expansion that results or may result to the arbitrary internal displacement
29 of persons: Provided, that the term does not include legitimate resettlement
30 schemes and/or programs.
- 31 f) Internal displacement - refers to the involuntary or coerced movement or
32 relocation of persons, families, or communities from their homes or places of

1 habitual residence within the national borders, as a result of or in order to
2 avoid or minimize the effects of armed conflict; situations of generalized
3 and/or organized violence; violations of human right; implementation of
4 development projects; or natural or human-induced or human-made hazards
5 or disasters.

6 g) Internally displaced person or group of persons (IDP) - refers to any person
7 or group of persons who has or have been forced or obliged to flee or to
8 leave their homes or places of habitual residence within the national borders,
9 as a result of or in order to avoid or minimize the effects of armed conflict,
10 situations of generalized and/or organized violence, violations of human
11 rights, implementation of development projects, or natural and human-
12 induced or human-made hazards or disasters.

13 h) Order of Battle/Watchlist - refers to a document or an organizational tool
14 used by military or law enforcement agencies that, inter alia, lists persons or
15 organizations perceived as being hostile to the State, the Government or the
16 Armed or Police Forces, or to any document made by non-state actors,
17 whether natural or juridical, listing the names of persons and organizations,
18 that are perceived to be obstacles to such non-state actor, and making those
19 in such list vulnerable to arbitrary internal displacement.

20 Sec. 4. *Scope.* – This Act shall primarily provide for the protection of rights of
21 IDPs during and after displacement, as well as their return, local integration or
22 settlement elsewhere. This Act shall likewise cover arbitrary internal displacement of
23 civilians as a result of or in order to avoid the effects of armed conflict; violations of
24 human rights; implementation of development projects; or natural or human-
25 induced or human-made hazards or disasters. To address the risks involved in
26 natural hazards or disasters, and the overall impact of climate change on the rights
27 of those internally displaced, due reference shall be made to the pertinent provisions
28 of other relevant laws such as Republic Act No. 9729, otherwise known as the
29 Climate Change Act of 2009, and Republic Act No. 10121, otherwise known as the
30 Philippine Disaster Risk Reduction and Management Act of 2010, and other related
31 laws.

1 Sec. 5. *Primary Duty to Protect the IDPs.* – National authorities and Local
2 Government Units (LGUs) have the primary duty and responsibility to provide
3 protection and humanitarian assistance to internally displaced persons within their
4 jurisdiction, in accordance with their obligations under international law, including
5 human rights law and humanitarian law, so as to prevent and avoid conditions that
6 might lead to the arbitrary internal displacement of persons.

7 Sec. 6. *Rights of IDPs.* – All IDPs shall enjoy human rights in accordance with
8 the Philippine Constitution and related laws without discrimination of any kind. In
9 particular, they shall enjoy the following rights:

10 a) Access to Basic Necessities. - At the minimum, and with special attention to
11 gender sensitivity, IDPs shall have the basic right to food, shelter, and
12 clothing. Competent authorities shall provide the aforementioned basic rights
13 with due respect to the cultural sensitivities and religious beliefs of IDPs.

14 b) Health and Education-

15 1) IDPs shall be entitled to access, to the fullest extent practicable, health
16 services and with the least possible delay. Special attention shall be
17 provided to the health needs of women, children, and the elderly and
18 the prevention of contagious and infectious diseases among IDPs.

19 2) IDP children shall receive free and compulsory primary education at a
20 minimum.

21 c) Freedom of Movement - Every IDP has the right to liberty of movement in
22 and out of any evacuation center, transitory sites, or other settlements,
23 subject to its existing rules and regulations. Moreover, they shall be protected
24 against forcible return or resettlement in any place where their lives, safety,
25 liberty, and/or health would be at risk.

26 d) Recognition, Issuance, and Replacement of Documents. – The authorities
27 concerned shall facilitate the issuance to the IDPs of all documents necessary
28 for the enjoyment and exercise of their legal rights, including new documents
29 or the replacement of documents lost in the course of displacement, without
30 imposing unreasonable conditions.

31 e) Family Reunification, Missing Persons and Deceased. - Competent authorities
32 shall provide conditions to expedite family reunification, search of missing

- 1 persons and collection, and identification of remains of the deceased, with
2 due respect to cultural sensitivities and religious beliefs.
- 3 f) Security and Protection. - Competent authorities shall take necessary
4 measures to ensure that IDPs are received, without discrimination of any
5 kind, and live in satisfactory conditions of safety, dignity, and security. Special
6 protection and assistance must be provided for IDPs with special needs,
7 including separated and unaccompanied children, women, expectant mothers,
8 mothers with young children, the elderly, and persons with disabilities or with
9 communicable diseases.
- 10 g) Property and Possessions. - The property and possessions of IDPs shall, in all
11 circumstances, be protected against pillage or looting, direct and
12 indiscriminate attacks or other acts of violence, being used to shield military
13 operations or objectives, being made the object of reprisal, being destroyed
14 or appropriated as a form of collective punishment, and destruction, arbitrary
15 and illegal appropriation, occupation or use. The LGU exercising territorial
16 jurisdiction over the affected area/s, with the assistance of the national
17 Government, shall endeavor to facilitate the transportation of such property
18 and possessions of IDPs, in a safe and secure area, during and after
19 displacement, subject to logistical considerations.
- 20 h) Right to participation. - The IDPs shall have the right to actively participate in
21 the planning and management of their displacement situation as well as
22 return, local integration, or settlement elsewhere. In addition, IDPs shall be
23 provided with conditions to facilitate the exercise of their right to political
24 participation.
- 25 i) Right to request protection and humanitarian assistance. - The IDPs have the
26 right to request protection and humanitarian assistance from national and
27 local authorities. They shall not be punished or persecuted for such acts.
- 28 j) Civil or Administrative Liabilities. - Any IDP shall be entitled to claim and be
29 awarded civil damages from any public officer or employee, or any private
30 person, who directly or indirectly obstructs, defeats, violates, or in any
31 manner impedes or impairs any of the above rights and liberties. Any public
32 officer shall be administratively liable for the same acts.

1 *Sec. 7. Applicability of the Revised Penal Code and Special Penal Laws.* – An
2 Order of Battle/Watchlist, or any document of similar nature issued by the military,
3 any law enforcement agency of the government, or any armed group, including non-
4 state actors, shall not justify crimes against IDPs and shall subject the perpetrators
5 to the penalties provided under the applicable provisions of the Revised Penal Code
6 and special laws.

7 Criminal offenses and unlawful acts, if found to be committed against any IDP
8 in the course of or during displacement, shall be penalized one degree higher than
9 that provided by the Revised Penal Code and other special penal laws with respect
10 to those acts.

11 *Sec. 8. Assistance During Displacement of IDPs.* – The primary duty and
12 responsibility, for providing humanitarian assistance to IDPs lie with national
13 authorities and with the LCDs exercising territorial jurisdiction over the affected
14 areas. As such, existing mechanisms set up under Republic Act No. 10121 and
15 relevant line agencies shall provide immediate relief and humanitarian assistance to
16 IDPs, families, and communities.

17 *Sec. 9. Early Recovery Plan.* – The LGUs exercising territorial jurisdiction over
18 the affected area/s shall craft an early recovery plan, in consultation with the IDPs.

19 *Sec. 10. Return, Local Integration, or Settlement Elsewhere.* – Competent
20 national and local authorities shall have the primary duty and responsibility to
21 establish conditions and provide means for IDPs to return voluntarily, in safety and
22 with dignity, to their homes or places of habitual residence, or to locally integrate or
23 to settle voluntarily in another part of the country, taking into consideration the right
24 of IDPs to choose a residence, and with due respect to the cultural heritage and
25 traditions of Indigenous Peoples.

26 Said authorities shall ensure prior consultations and the full participation of
27 IDPs, during and after the planning and management of their return, local
28 integration, or settlement elsewhere.

29 *Sec. 11. Mechanisms for International Humanitarian Assistance.* –
30 International humanitarian organizations, their local counterparts, and other
31 appropriate actors shall have the right to offer their services, including humanitarian
32 assistance, in support of IDPs. Relevant coordination mechanisms, where existing,

1 with international humanitarian organizations, shall facilitate the timely provision of
2 humanitarian assistance to IDPs.

3 The importation and donation of food, clothing, medicine, and equipment
4 necessary for relief and assistance of IDPs are hereby authorized in accordance with
5 Section 800 of Republic Act No. 10863, otherwise known as the Customs
6 Modernization and Tariff Act, as regards national internal revenue taxes and import
7 duties of national and local government agencies, and the prevailing provisions of
8 the General Appropriations Act (GAA).

9 *Sec. 12. Non-Monetary Reparation.* – The Department of Health (DOH), the
10 Department of Social Welfare and Development (DSWD), the Department of
11 Education (DepEd), the Commission on Higher Education (CHED), the Technical
12 Education and Skills Development Authority (TESDA), and such other agencies, shall
13 render necessary services as non-monetary reparation for IDPs and their families
14 pursuant to the provisions of this Act.

15 *Sec. 13. Role of the National Disaster Risk Reduction and Management*
16 *Council (NDRRMC) and Line Agencies.* – The NDRRMC and government line
17 agencies shall exercise their mandate and powers in accordance with Republic Act
18 No. 10121 in responding to situations of internal displacement. In these situations,
19 the CHR shall be part of the NDRRMC deliberations to provide advice as a non-voting
20 member.

21 *Sec. 14. Role of the CHR.* –The CHR shall be designated as the institutional
22 focal point on the human rights of IDPs. As such, the CHR shall have the following
23 additional functions:

- 24 a) To monitor IDP conditions through the development of a system to track
25 concerns, actions taken, and other relevant information to ensure that IDP
26 rights are respected, protected, and fulfilled in all phases of internal
27 displacement;
- 28 b) To establish guidelines to identify the legitimacy of an individual's claim of
29 internal displacement;
- 30 c) To conduct public inquiries, document violations of human rights, assist IDPs
31 in seeking redress of grievances, and work to ensure an effective response by
32 the concerned authorities;

- 1 d) To investigate, on its own or on a complaint by any party, all forms of human
2 rights violations against IDPs involving civil and political rights, in accordance
3 with Section 18(1) of Article XIII of the Constitution, and when found in the
4 investigation that the filing of a case in court is warranted, request the
5 assistance of any department, bureau, office or agency, such as the National
6 Prosecution Service of the DOJ, or the Ombudsman, by virtue of Executive
7 Order No. 163, series of 1987;
- 8 e) To render financial assistance at its sole discretion, and to issue necessary
9 guidelines to implement the same;
- 10 f) To recommend to the other agencies of government, taking into
11 consideration their respective mandates and functions, the grant of assistance
12 to IDPs, as may be appropriate;
- 13 g) To follow up on early warning and ensure effective measures to protect the
14 civilian population against arbitrary internal displacement;
- 15 h) To undertake educational activities and training programs for state
16 authorities, including the AFP;
- 17 i) To hold public information drives on the protection and rights of IDPs, and
18 foster their participation in the decision-making process regarding issues that
19 concern them; and
- 20 j) To carry out such other acts that may be necessary to fully implement the
21 purposes of this Act.

22 Sec. 15. *Role of the DSWD.* - The DSWD shall have the following functions,
23 among others:

- 24 a) To render psycho-social interventions and similar services to IDPs;
- 25 b) To facilitate linking IDPs to employment opportunities, support services, and
26 other livelihood programs, in cooperation with other government agencies,
27 such as, but not limited to, the Department of Labor and Employment
28 (DOLE), Department of Agriculture (DA), Department of Agrarian Reform
29 (DAR) and the Department of Trade and Industry (DTI);
- 30 c) To provide capital assistance to IDPs, who wish to start their respective trade
31 or business, subject to reasonable rules and regulations; and

1 d) To carry out such other acts that may be necessary to fully implement the
2 aforementioned functions.

3 Sec. 16. *Joint Congressional Oversight Committee.* – A Joint Congressional
4 Oversight Committee is hereby created, composed of the Chairperson of the Senate
5 Committee on Justice and Human Rights and seven (7) other Senators designated
6 by the Senate President, and the Chairperson of the House Committee on Human
7 Rights and seven (7) other Members of the House of Representatives, designated by
8 the Speaker of the House of Representatives: Provided, That of the seven (7)
9 Members to be designated by each House of Congress, four (4) shall represent the
10 22 Majority and three (3) shall represent the Minority.

11 The Joint Congressional Oversight Committee shall also have the power to
12 inquire into, summon, and investigate the Orders of Battle/Watchlist as defined
13 under this Act, and/or any document of similar nature, as well as the legal and
14 factual justifications for the inclusion of specific persons and groups in said Orders of
15 Battle/Watchlist or similar documents. In this regard, the Joint Congressional
16 Oversight Committee may issue a mandatory process directing the transmission of
17 all such documents relevant and necessary for the Committee to determine the
18 validity of the inclusion of specific persons or groups in the Orders of Battle/
19 Watchlist, or similar documents. For this purpose, the highest-ranking officers or
20 heads of offices shall be charged with testifying before the Joint Congressional
21 Oversight Committee in relation to any inquiries on the Orders of Battle/Watchlist, or
22 similar documents.

23 The invocation of national security as a defense may not prevent the Joint
24 Congressional Oversight Committee from inquiring into the factual and/or legal
25 bases for the existence of an Order of Battle/Watchlist, or any similar document, or
26 the inclusion of specific persons or groups in said Orders of Battle/Watchlist, or
27 similar documents. Should there be a need to inquire into the factual basis for the
28 invocation of national security, the Committee shall convene in an executive session
29 and hear the officials invoking it. Should the basis not be satisfactory to the
30 Committee, the public hearings will continue and appropriate recommendations shall
31 thereafter be made by the Committee.

1 Sec. 17. *Monitoring of Compliance.* – An inter-agency coordinating committee
2 shall be tasked to periodically monitor the compliance with this Act. The Committee
3 shall be headed by the Executive Director of the NDRRMC and shall be composed of:

- 4 a) A representative, with the rank of Undersecretary, from the DSWD;
- 5 b) A representative, with the rank of Undersecretary, from the Department of
6 National Defense (DND);
- 7 c) A representative, with the rank of Undersecretary, from the Department of
8 Interior and Local Government (DILG);
- 9 d) A representative, with the rank of Undersecretary, from the DOH;
- 10 e) A representative, with the rank of Undersecretary, from the DOJ;
- 11 f) A representative, with the rank of Undersecretary, from the DepEd;
- 12 g) A representative from the National Commission on Muslim Filipinos (NCMF);
- 13 h) A representative from the National Commission on Indigenous Peoples
14 (NCIP);
- 15 i) A representative from the Office of the Presidential Adviser on the Peace
16 Process;

17 The Committee shall work towards the collection of data on the number and
18 conditions of IDPs, leading to a registry that will aid the government in efficient
19 planning and policy-making regarding issues affecting IDPs.

20 The Committee shall submit an annual report to the Joint Congressional
21 Oversight Committee herein created, thirty (30) days after the end of each fiscal
22 year. Such annual report shall be the basis for proposed amendments to existing
23 legislation to improve the conditions of IDPs.

24 Sec. 18. *Appropriations.* – The amount necessary for the initial
25 implementation of this Act shall be charged against the current year's appropriations
26 of the NDRRMC, CHR, the DSWD, the DOH, the DND, and the DILG. Thereafter,
27 such sums as may be necessary for the continued implementation of this Act shall
28 be included in the GAA.

29 Sec. 19. *Implementing Rules and Regulations.* – Within sixty (60) days from
30 the effectivity of this Act, the NDRRMC in coordination with the CHR, DSWD, DND,
31 DILG, DOH, DOJ, Department of Environment and Natural Resources (DENR),
32 DepEd, AFP, Philippine National Police (PNP), Philippine Commission on Women

1 (PCW), Council for the Welfare of Children (CWC), NCIP, National Commission on
2 Disability Affairs (NCDA), Presidential Commission on Urban Poor (PCUP), Housing
3 and Urban Development Coordinating Council (HUDCC), National Housing Authority
4 (NHA), and NCMF shall issue the necessary rules and regulations for its
5 implementation and consult with the LGUs concerned, relevant non-governmental
6 human rights organizations, and people's organizations.

7 Sec. 20. *Separability Clause.* – If any part or provision of this Act shall be
8 declared unconstitutional or invalid, the other provisions hereof which are not
9 affected thereby shall remain in full force and effect.

10 Sec. 21. *Repealing Clause.* – All laws, decrees, executive orders,
11 memorandum orders, memorandum circulars, administrative orders, ordinances, or
12 parts thereof which are inconsistent with the provisions of this Act are hereby
13 deemed repealed or modified accordingly.

14 Sec. 22. *Effectivity.* – This Act shall take effect fifteen (15) days after its
15 publication in the Official Gazette or in a newspaper of national circulation.

Approved,